



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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November 23, 1973

Lieutenant Colonel J. G. Friedman
Chief, Transportation Division
Finance Center, U.S. Army
Through Headquarters Department of the Army
(DACA-FIS-PT)
Forrestal Building
Washington, D.C. 20314

Dear Colonel Friedman:

Further reference is made to your letter of September 5, 1972, with enclosures, received in this Office on March 20, 1973, requesting an advance decision concerning the entitlement to reimbursement for expenses incurred by Chief Warrant Officer Edwin J. Zenon for transportation of dependents and shipment of household goods from Germany to Italy, which he contends should be regarded as having been effected pursuant to orders directing a permanent change of station from Germany to Vietnam. Your request for decision has been assigned PDTATAC Control No. 73-10 by the Per Diem, Travel and Transportation Allowance Committee.

By Special Orders 311, Headquarters, 3rd Support Brigade, dated November 7, 1967, issued pursuant to authority contained in Department of the Army (DA) Message 837654, October 24, 1967, Mr. Zenon was ordered on a permanent change of station from Germany to Vietnam with temporary duty en route at Fort Rucker, Alabama. Movement of household goods and of dependents was authorized only to the continental United States. Those orders contained a reporting date of January 1, 1968, for the member's transportation to the United States. By DA Message dated December 4, 1967, that reporting date was authorized to be extended to January 11, 1968, however, the record contains no order affecting that change in reporting date.

You indicate that on November 1, 1967, prior to issuance of the November 7 orders, Mr. Zenon was medically restricted from flying. On December 28, 1967, and subsequent to issuance of DA Message 845065 discussed below, the Flight Surgeon recommended Mr. Zenon's indefinite suspension from flying status.

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DA Message 845065, December 22, 1967, directed revocation of assignment instructions contained in DA Messages 837654, October 24, 1967, and 842396, December 4, 1967; on which basis the permanent change of station orders of November 7 had been issued. However, orders implementing those instructions and revoking the November 7 orders appear never to have been issued.

On December 29, 1967, after denial of his request for shipment of household goods and travel of dependents from Germany to Italy at Government expense, Mr. Zenon authorized the movement of his household goods at his personal expense. Apparently his dependents traveled to Vicenza, Italy, during the period January 3-4, 1968, also at his personal expense. Message of January 3, 1968, indicated approval of relocation of dependents and household goods to Italy.

Thereafter, the member was returned to flying status and in compliance with Special Orders 169, Headquarters, 3rd Support Brigade, dated June 17, 1968, effected a permanent change of station from Germany to Vietnam apparently departing from Germany in August 1968. While stationed in Vietnam, his dependents and household effects remained in Italy.

By vouchers dated January 3, 1970, and December 18, 1972, respectively, Mr. Zenon claims \$964.15 as reimbursement for shipment on a commercial bill of lading of household goods from Germany to Italy and \$55.65 for travel of his dependents from Ludwigsburg, Germany, to Vicenza, Italy. With regard to the cost of shipment of household goods, you indicate that had the shipment been effected on a Government bill of lading, the cost would have amounted to only \$350.60.

Your doubt as to whether the vouchers may properly be certified for payment arises in connection with the failure of Headquarters, 3rd Support Brigade, to issue orders formally revoking the November 7 orders as directed by assignment instructions, contained in DA Message 845065, December 22, 1967. You question whether, because of failure to formally revoke the initial orders and in view of the member's subsequent assignment to Vietnam during which tour of duty his family remained in Italy, Mr. Zenon may be entitled to reimbursement for at least a portion of the relocation costs which he has claimed. If reimbursement is authorized, you inquire whether Mr. Zenon's

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entitlement to reimbursement for shipment of household goods may be limited to the \$350.69 cost had shipment been accomplished by Government bill of lading.

Paragraph M3001 of Volume I of the Joint Travel Regulations provides that a competent travel order is a written instrument issued by competent authority directing a member to travel between designated points. Similarly, a competent travel order can be amended, modified or revoked only by another such written instrument or by a verbal order which is confirmed in writing.

The record is unclear regarding Mr. Zenon's knowledge of the directed revocation of his November 7 orders. The denial of his request for movement of household goods and dependents to Vicenza, Italy, at Government expense may have been based on the direction contained in DA Message 845065, December 22, 1967, to revoke the November 7 orders. However, it appears likely that the member's authorization for household goods shipment at personal expense on December 29, 1967, and his dependents' personally arranged travel on January 3, 1968, resulted from the refusal to provide Government transportation to Italy in view of the specific restriction of transportation to the continental United States only, contained in his original orders. Department of the Army approval of Italy as a designated location was given in the message of January 3, 1968.

As neither revocation of the orders of November 7, 1967, nor official notice to Mr. Zenon of the message directing such revocation is shown in the record now before us, and in view of the fact that on January 3, 1968, the Army approved Italy as the designated location where the dependent wife and children should reside, we are of the opinion that Mr. Zenon is entitled to reimbursement for transportation of household goods and travel of dependents to Vicenza, Italy, as incident to his ordered permanent change of station from Germany to Vietnam.

Regarding the amount to which Mr. Zenon is entitled as reimbursement for shipment of household goods, paragraph M0500 of the Joint Travel Regulations, Volume I, is for application.

In light of the circumstances, the Transportation and Shipping Officer's denial of Mr. Zenon's request for Government shipment may be

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considered as having the effect of instructing him to make shipment at personal expense pending approval of Italy as a designated location. Therefore, Mr. Zenon may be reimbursed for the actual cost of shipment, if otherwise proper.

The vouchers with supporting papers are returned herewith.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States

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